

APPEAL NO. 020471  
FILED MARCH 25, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 11, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury; that the claimant has not had disability; and that, if the claimant had sustained an injury, the respondent (carrier) would be relieved of liability under Section 409.002 because of the claimant's failure to timely notify her employer of her claimed injury under Section 409.001. The claimant appealed and the carrier responded.

DECISION

The hearing officer's decision and order are affirmed.

The claimant contended that she sustained a repetitive trauma injury to her right foot as a result of climbing and standing on ladders at work. The claimant has been given several diagnoses regarding her right foot condition. The claimant had the burden to prove that she was injured in the course and scope of employment, that she has had disability as defined by Section 401.011(16), and that she gave timely notice of her injury to her employer under Section 409.001 or had good cause for failing to timely notify her employer of her injury. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS CASUALTY & SURETY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge